IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P. NO.2031 OF 2004

Shri.Jangi Lal Oswal ..Petitioner

Vs.

M/s.Krishna Texoport Industries & Ors. ..Respondents

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Mr.S.P.Bharti Advocate for Petitioner
Mr.Kamaldeep Sagar i/b M/s.Paras Kuhad & Associates for Respondent No.1
Smt.U.V.Kejariwal A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 29,2006

P.C.

1. Heard the learned advocate for the petitioner, the learned A.P.P. for the State and learned advocate for the Respondent No.1-complainant.

2. The petitioner is seeking quashing of process issued by the learned Metropoltian Magistrate, 18th Court at Girgaum, Mumbai in C.C.No.1366/S/2002. In the said case process was issued against the petitioner under Sections 138 r.w. 141 of

Negotiable Instruments Act.

3. In view of the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred before 8th June, 2006. In view of this statement, the trial Court shall not proceed with the trial till 8th June, 2006.

5. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

6. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

7. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]